

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SD*
DATE: September 6, 2011
RE: 12-0133HO; 396 Queen City Park Road

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. **THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RL Ward: 5

Owner/Applicant: Gyllian Rae Svensson & Michael Royer

Request: Establish a home occupation for art studio. No exterior building or site changes.

Applicable Regulations: Article 3 (Applications and Reviews) and Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval to establish a home occupation for an art studio. The art studio will center on fabrics and will include fabrication, consultation, and private lessons. No development is included in this proposal.

Recommendation: Consent approval of conditional use as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

(1) The capacity of existing or planned community facilities;

The proposed home occupation will entail little, if any, additional impacts on community facilities currently serving the residence. **(Affirmative finding)**

(2) The character of the area affected;

The subject dwelling unit is one of a small group of homes between the entrance to the Southern Connector and the railroad tracks. Across the street is the South Burlington city line. There are no residential properties across the street from the subject property. The proposed home occupation is low key in nature and will result in minimal impacts on the character of the area. **(Affirmative finding)**

(3) Traffic on roads and highways in the vicinity;

No traffic information has been provided. Clients will come to the premises on an appointment-only basis. In addition, an occasional delivery truck will deliver bolts of fabric to the premises. Resulting traffic will be minimal. **(Affirmative finding)**

(4) Bylaws then in effect;

The home occupation as conditioned complies with all applicable zoning bylaws. The applicant must register with the city Office of the Assessor as a business personal property. **(Affirmative finding as conditioned)**

(5) Utilization of renewable energy resources;

No information has been provided with respect to the use of alternative energies. However, the proposed home occupation will not unreasonably deter the actual or potential use of renewable energies by the subject or neighboring properties. **(Affirmative finding)**

(6) Cumulative impacts of the proposed use;

The proposed home occupation will result in a slight increase in traffic. Little, if any, other perceptible impacts on the neighborhood will result. Limiting client visits as conditioned below will help minimize traffic. **(Affirmative finding)**

(7) Functional family;

This criterion does not apply to the subject permit request. **(Not applicable)**

(8) Vehicular access points;

The home is accessed by two driveways – one shared and one private. No changes are proposed or needed. **(Affirmative finding)**

(9) Signs;

No exterior signs are proposed. **(Not applicable)**

(10) Mitigation measures;

The proposed home occupation will not generate any noxious effects such as noise, glare, or emissions. **(Affirmative finding)**

(11) Time limits for construction;

No construction is proposed. **(Not applicable)**

(12) Hours of operation and construction;

Clients will come to the premises on an appointment-only basis. Timing of client visits needs to be such that there is no overlap of visits. As a result, hours of operation are not noted. In order to limit potential adverse impacts associated with off-hour clientele visits, maximum daily hours need to be specified (such as Monday – Saturday, 9:00 AM – 6:00 PM). No construction is proposed. **(Affirmative finding as conditioned)**

(13) Future enlargement or alterations;

Any future enlargement or alterations of the home occupation will require additional permit review per the regulations in effect at that time. **(Affirmative finding)**

(14) Performance standards;

The proposed use does not affect any items considered under performance standards such as nuisances, outdoor lighting, or erosion control. **(Not applicable)**

(15) Conditions and safeguards;

Conditions of approval are included in effort to safeguard against potential undue adverse impacts to the surrounding area. **(Affirmative finding)**

Article 5: Citywide General Regulations

Part 4: Special Use Regulations

Sec. 5.4.6, Home Occupations

1. A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL and WRL districts and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure.

The home occupation will be conducted by the one resident occupant. The home occupation will take place entirely within the existing residence. There will be some storage in the detached garage. **(Affirmative finding)**

2. No more than thirty-five percent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose.

520 sf of the 2,848 sf dwelling residence and garage will be used in the conduct of the home occupation. This square footage is 18.3% of the dwelling and garage and is acceptable.

(Affirmative finding)

3. No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located.

No building or site changes are included in this proposal. The home occupation will involve the use of sewing machines, irons, sewing supplies, and associated office equipment such as a computer and file cabinet. No additional equipment that results in a change to the fire rating shall be allowed. **(Affirmative finding as conditioned)**

4. There shall be no outside storage of any kind related to the home occupation.

No outside storage is proposed. **(Affirmative finding)**

5. There shall be no exterior evidence of the conduct of a home occupation except for: Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each); and One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.

No garage/lawn/yard type sales are included in this proposal. No outdoor signs are proposed either. **(Affirmative finding)**

6. *No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback per Article 5.*

Clientele will come to the property on an appointment-only basis. Client visits must be limited to one at a time with sufficient time between appointments to prevent overlap. There is sufficient onsite parking available for the 1 additional vehicle associated with client visits. Parking would be “stacked” (i.e. 3 in a row) but would be acceptable per Sec. 8.1.14, *Stacked and Tandem Parking Restrictions*. Clients would only visit the premises during hours of operation. The resident would always be available to move vehicles if need be. This stacked arrangement requires that the city be provided a written guarantee from the applicant that someone will always be available to move vehicles during the hours of operation. **(Affirmative finding as conditioned)**

7. *No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit.*

The home occupation as proposed will not generate any nuisance or unsightliness discernable from the exterior. **(Affirmative finding)**

8. *The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

The home occupation as proposed is innocuous and is clearly incidental to the primary residential use of the property. **(Affirmative finding)**

9. *Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day.*

Occasional deliveries of fabric bolts to the property will take place less than once per day. **(Affirmative finding)**

10. *With the exception of one delivery per day, as specified in subparagraph (9), no more than one commercial vehicle shall be allowed on the premises at any one time; and*

As noted above, the only commercial vehicles associated with the proposed home occupation are occasional delivery vehicles. **(Affirmative finding)**

11. *There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.*

Only the products and services offered onsite will be sold to clients. **(Affirmative finding)**

II. Conditions of Approval

1. This home occupation is subject to all of the requirements of Sec. 5.4.6, *Home Occupations*, of the Comprehensive Development Ordinance.

2. The applicant must register with the city Office of the Assessor as a business personal property.
3. Days and hours of operation shall be defined in writing, subject to staff review and approval.
4. In light of the stacked parking arrangement, a written guarantee shall be provided from the applicant that the resident occupant will always be available to move vehicles during the hours of operation, subject to staff review and approval.
5. No additional equipment or materials that results in a change to the fire rating shall be allowed. A list of all equipment and materials to be used shall be provided to staff for review by the Fire Marshal to insure no change in fire rating results.
6. Clients shall come to the premises on an appointment-only basis, with sufficient time between appointments to prevent any overlap of client visits.
7. Standard conditions 1 -18.



396 Queen City Park Road (side view)



396 Queen City Park Road (aerial view)

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AUG 01 2011

DEPARTMENT OF
PLANNING & ZONING

396 Queen City Park Rd

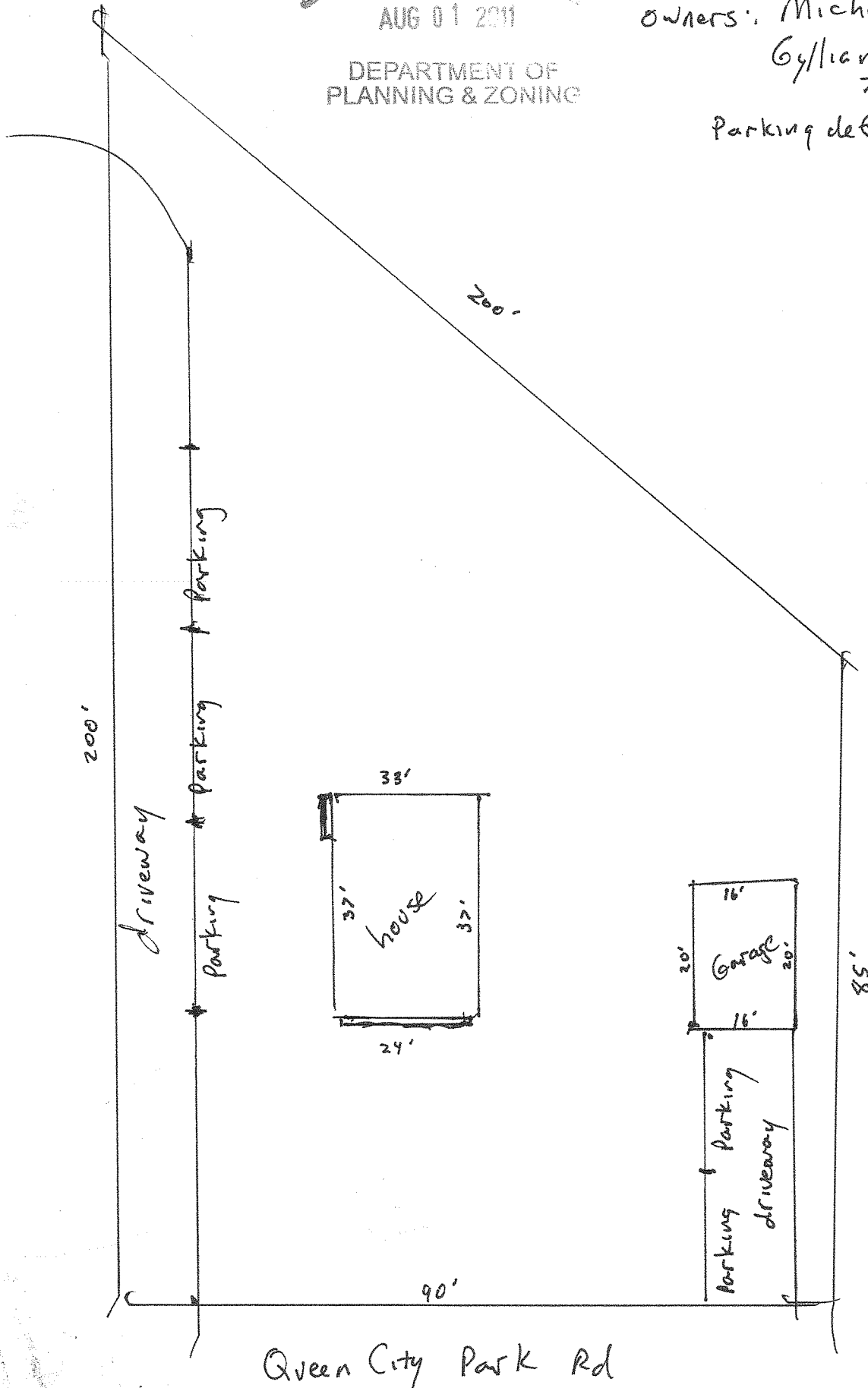
Burlington, VT 05401

owners: Michael J Royer

Gyllian Rae Svensson

7/31/11

Parking defined by painted lines



1" = 20'



Burlington Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
www.ci.burlington.vt.us/planning

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DEPARTMENT OF
PLANNING & ZONING

PH: 802-865-7188 FAX: 802-865-7195 TTY: 802-865-7142

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.ci.burlington.vt.us/planning
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.ci.burlington.vt.us/assessor/businesses

Name of Business Proposed: The Bobbin Slow Fashion + Sustainable Design, LLC

Type of Business Proposed: Sewing + Custom Design, Sewing Education

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation. This may be done on a separate piece of paper and attached.

My In-home business / Vermont Artists Studio will be open by appointment only.

Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation:
Residents of premises: 1 Others Total Number 1
2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:
I design + create custom clothing with sustainable textiles. I create multi-media textile Art / Sculpture / Paintings
3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
None necessary
4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used. (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage).
200 sq ft Used for Home Occupation - The dining room will contain sewing machine(s), iron + sewing supplies.
5320 sq ft Garage Storage - The downstairs bedroom will contain desk, computer, file cabinet and office supplies.
The garage will be used to store extra products + supplies. Additional supplies (seasonal fabrics/clothing) are stored in a unit off site. (Flynn Avenue Storage)
Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
Sewing machine + iron, Computer, cash Register, Printer/Scanner
6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
Fabrics + supplies in use will be displayed on shelves + racks in the sewing room. Additional fabric + supplies are stored in a unit off site (Flynn Avenue Storage).

PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes ☒ No ☐
If yes, please explain in detail:
Clients will come in for fittings. Students will come for private lessons.
Clients will schedule appointments for sustainable design consultations.
8. Are any signs necessary or proposed relative to the Home Occupation?
Yes ☐ No ☒
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.
9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
no trucks necessary
10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes ☒ No ☐
If yes, please explain:
occasionally trucks may deliver bolts of fabric to my home
11. How many parking spaces will be provided for the home occupation? 2-3
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission. We have a second driveway at our garage that is paved and has space for 2-3 cars. (In addition to the driveway next to our home)
12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yes ☒ No ☐
We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

Applicant's Signature: [Signature]

Date: 7/31/11

Property Owner's Signature: [Signature]

Date: 7/31/11